

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JOHN CSOKA and
JUDITH CSOKA,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

CIVIL ACTION
NO. 1:15-cv-00876-GBL-IDD

[PROPOSED] JOINT REPORT AND DISCOVERY PLAN

COME NOW, Defendant Bank of America, N.A. (“BANA” or “Defendant”), by and through counsel, and Plaintiffs John Csoka and Judith Csoka (“Plaintiffs”), by and through counsel, (collectively, the “Parties”) and respectfully file and submit the following Proposed Joint Report and Discovery Plan for the Court’s consideration:

1. Pursuant to Federal Rule of Civil Procedure 26(f), counsel for BANA conferred with Plaintiffs’ counsel via telephone and e-mail on September 23, 2015.
2. **Pre-discovery Disclosures.** The Parties propose that they have fourteen (14) days after entry of the Final Discovery Plan to exchange the information required by FRCP 26(a)(1) and Local Rule 26.
3. **Trial before a Magistrate Judge.** The Parties have not agreed to conduct the trial before a magistrate judge.
4. **Settlement.** The Parties will cooperate to schedule a mediation before a private mediator if, as the case proceeds, a mediation appears beneficial.
5. **Rule 26(f)(3)(C), and 26(f)(3)(D).** Pursuant to Rule 26(f)(3)(C), the Parties agree

to retain electronically stored information for the duration of the case and to produce the information in the most cost effective manner given the type and volume of information. With respect to Rule 26(f)(3)(D)'s provisions regarding issues relating to claims of privilege or work product protection, the Parties agree to produce a privilege log identifying generally the document and the privilege asserted for all documents protected by the privilege. The Parties agree to retain and preserve all discoverable information until the conclusion of the case.

6. **Protective Order.** BANA anticipates that information, documents and tangible things related to its confidential business, research, development, or commercial information may be sought, produced, or exhibited by and among the Parties during this litigation. Inappropriate use or public disclosure of such confidential and proprietary information would be detrimental to the Parties as the information could be used to obtain unfair business advantage, gain a competitive edge or cause personal embarrassment to the Parties. Accordingly, BANA believes that a protective order under Fed. R. Civ. P. 26(c) is appropriate in this case in favor of BANA, as well as a reciprocal protective order in favor of Plaintiffs. BANA will attempt to reach an agreement with Plaintiffs on the terms of a stipulated protective order or orders to be submitted to the Court for consideration.

7. **Delivery of Motions and Pleadings.** Delivery of all motions and pleadings shall occur via the Court's electronic case filing system.

8. **Discovery Plan.** In accordance with the Court's Order of September 4, 2015, [Doc. 11], the Parties propose the following discovery plan to the Court:

- All discovery commenced in time to be completed by Friday, January 15, 2016.
- Maximum of thirty (30) interrogatories by each party to any other party.
- Maximum of five (5) non-party, non-expert depositions by Plaintiffs and five (5) non-

party, non-expert depositions by Defendant.

- Each deposition limited to maximum of seven (7) hours unless extended by agreement of the Parties.
- Reports from retained experts under Rule 26(a)(2) due:
 - From Plaintiffs by November 20, 2015;
 - From Defendant by December 22, 2015; and
 - The Parties agree to discuss the modification of the disclosure of expert testimony as the circumstances require.
- Final lists of witnesses, exhibits and disclosures under Rule 26(a)(3) should be due and electronically filed on or before the pre-trial conference on January 16, 2016.
- The Parties have ten (10) days after the final pre-trial conference to note objections under Rule 26(a)(3).
- The stipulation of uncontested facts shall be due from the Parties on January 16, 2016.
- The final pre-trial conference is set for Thursday, January 16, 2016 at 10:00 a.m., at which time a trial date will be set.
- The Parties expect the trial to take approximately one (1) day.

This 23rd day of September 2015.

Respectfully submitted,

BANK OF AMERICA, N.A.

By Counsel:

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to counsel of record as follows:

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